

REMARKS

Claims 1-20 were pending and presented for examination and in this application. In a Non-Final Office Action dated April 26, 2006, claims 1-20 were rejected. Applicants thank Examiner for examination of the claims pending in this application and address Examiner's comments below. Applicants confirm that based on confirmation with the Examiner and Applicants' representative on May 30, 2006, the Office action dated April 26, 2006 was improperly designated as "final" and that it properly should be a non-final Office action. Hence, Applicants are responding to this action with an understanding that the Office will treat it as a non-final Office action.

In addition, Applicants also thank Examiner for taking time to discuss claims 1, 2, 5-8 of the pending application with Applicants' representative in the Examiner Interview of July 20, 2006. As required by 37 C.F.R. § 1.133 and MPEP § 713.04 and agreed upon with Examiner, the substance of the interview is incorporated in this amendment and response.

Applicants are canceling claim 3 with this Amendment and Response. Applicants are amending claims 1, 2, 5, 9, 12-14, and 17 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior arts. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Rejection Under 35 USC 102(b) in View of Okano

In the Office Action, Examiner rejects claims 1-4 and 9-20 under 35 USC § 102(b) as allegedly being anticipated by U.S. Patent No. 6,763,238 (“Okano”).

Claim 1 as amended recites:

a processing unit coupled to said radio unit and said at least one memory device, said processing unit configured to run the application and system programs;

wherein at least one of the application and system programs include a **software enabled switch displayed on the device screen for enabling and disabling the radio unit** while leaving the processing unit in an operation state, **the device screen being configured to display information for a context associated with a state of the switch.** (emphasis added)

Thus, claim 1 as amended recites an electronic device that can display on its screen “a software enabled switch ... for enabling and disabling the radio unit” along with “information for a context associated with a state of the switch.” Support for the amendments made to claim 1 can be found in the original specification at, for example, from page 20, line 20 (20:20) to 21:4, from 27:1 to 27:13, and from 29:3 to 29:12. As claimed, the switch can be displayed together with contextual information in a larger, easy to read viewing environment. Therefore, users of the electronic device are less likely to operate the switch mistakenly, either caused by confusion of context or by pressing the unintended button.

The cited reference, Okano, does not disclose the claimed invention. Among other differences, Okano does not disclose “a software enabled switch displayed on the device screen for enabling and disabling the radio unit while leaving the processing unit in an operation state, the device screen being configured to display information for a context associated with a state of the switch.” Okano teaches about a portable communication

system which is capable of temporarily stopping transmissions from the portable communication system. (See Okano, Abstract). Okano discloses a switch that can turn off the power supply to a transmitting section, and can accept transmission suspension command from users. However, the claimed invention differs from Okano in at least two aspects: (1) the switch in Okano is not “displayed on the device screen,” and (2) there is no disclosure in Okano of displaying “information for a context associated with a state of the switch” on the device screen.

In view of the amendments and reasons set forth above, Applicants respectfully submit that Okano now fails to disclose the claimed invention. Therefore, for at least these reasons, claim 1 is patentably distinguishable over the cited reference. Therefore, Applicants respectfully request that Examiner reconsider the rejection to these claims and withdraw it.

As to the dependent claims, because claims 4, 9, 10, and 13-17 are dependent on claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 4, 9, 10, and 13-17.

Claim 2 as amended recites:

a processing unit couples to said radio unit and said at least one memory device, said processing unit configured to run the application and system programs; wherein ...

at least one of said application and system programs comprises a notification program **configured to notify a user that the radio unit is disabled when invoking a program that is configured to utilize the radio unit and to display a software enabled switch, the software enabled switch further configured to either enable the radio unit for use by the program configured to utilize the radio unit or maintain the radio unit as disabled.** (emphasis added)

Claim 2 as amended recites an electronic device having “a notification program configured to notify a user that the radio unit is disabled when invoking a program that is configured to utilize the radio unit and to display a software enabled switch to either enable the radio unit for use by the program that is configured to utilize the radio unit, or keeping the radio unit disabled.” Support for the amendments made to claim 2 can be found in the specification from 27:1 to 27:13, and from 7:4 to 7:7.

By providing a notification program, the claimed invention empowers a user to elect a course of action with respect to enabling the radio unit or keeping it disabled upon invoking a program that is configured to utilize the radio unit when the radio unit is disabled. The notification program displays a switch for the user to enable the radio unit or maintain a disabled state. Hence, the user is provided greater access and control over the electronic device to determine whether to enable or disable a radio unit. For example, a lower power supply allows a user an option to maintain the disabled radio state except for some select reasons. Claims 11 and 12 similarly recite a similar claimed feature and have similar benefits.

Okano, among other differences, does not disclose such a notification program as is claimed. Okano discloses that the portable communication system displays a progress in the transmission-suspended period (visually, aurally, or by vibration), and that the user can set the transmission-suspended period and terminate the transmission suspension. However, this disclosure does not correspond to Applicants claimed features that include displaying a “software enabled switch further configured to either enable the radio unit for use by the program configured to utilize the radio unit or maintain the radio unit as disabled” when an application seeking to utilize a radio program is invoked. Okano merely is configured to

surpress an already enabled radio unit. In contrast, the claimed invention allows for control over whether or not to even invoke operation of the radio unit when it is not enabled.

In view of the amendments and remarks herein, Applicants respectfully submit that Okano now fails to disclose the claimed invention. Therefore, for at least the reasons set forth herein, claim 2 is patentably distinguishable over the cited reference. Likewise, claims 11 and 12 also would be distinguishable over Okano for the same reasons. Therefore, Applicants respectfully request that Examiner reconsider the rejection to these claims and withdraw it.

As to the dependent claims, because claim 18 is dependent on claim 2, claim 19 is dependent on claim 11, and claim 20 is dependent on claim 12, all arguments advanced above with respect to claim 2 are hereby incorporated so as to apply to claims 18-20.

Likewise, although claim 5 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Okano alone, it also is patentably distinguishable in view of the amendments to claim 1. As argued above, claim 1 is patentably distinguishable over Okano. Thus, Applicants request reconsideration and withdrawal of the basis of the rejection to this this claim.

Response to Rejection Under 35 USC 103(a) in View of Okano and Graham

In the Office action, Examiner rejects claims 6-8 under 35 USC § 103(a) as allegedly being unpatentable over Okano in view of European Patent 817,447 A1 (“Graham”).

As set forth above with reference to claim 1, Okano, among other differences, does not disclose the “software enabled switch displayed on the device screen for enabling and disabling the radio unit while leaving the processing unit in an operation state, the device

screen being configured to display information for a context associated with a state of the switch.” Because claims 6-8 are dependent on claim 1, the above argument also applies to claims 6-8. Examiner correctly points out that Graham teaches an electronic device comprising a physical button programmed to enable and disable the radio device by engaging the hard button for a pre-determined length of time. (Graham, Abstract). However, like Okano, Graham does not disclose “the device screen being configured to display information for a context associated with a state of the switch.” Rather, in contrast to the claimed invention, Graham merely discloses a control means to operate a telephone menu using a single key in the keypad. (See Graham, col. 3, ll. 15-45).

In view of the amendments and remarks herein, Applicants respectfully submit that Okano and Graham, alone or in combination, do not disclose the above cited claimed elements of claims 6-8. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection to these claims.

Conclusion

In sum, Applicants respectfully submit that claims 1, 2, 4-20, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration and withdrawal of the basis for the rejections to these claims. Further, Applicants request allowance of these claims at this time.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
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